



BULLETIN

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Risk Management Division

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Risk Management Division

Mission Statement

To protect the assets of the State of North Dakota - its people, property, and financial resources - so that the State can continue to meet its obligations to its citizens.

Risk Management Workers Compensation Program Update

During October and November the Risk Management Division of OMB conducted presentations in Minot, Fargo, Bismarck, and Grand Forks to introduce the Risk Management Workers Compensation Program established by the 2001 Legislature. At those presentations, the proposed Rules governing the program, and Section 9 of the Risk Management Manual that contains the guidelines for the program were introduced. The hearing on the proposed Rules was held on November 9, 2001 at the State Capitol.

These forums provided an opportunity for state employees to ask questions and offer suggestions for revisions to the proposed Rules and Section 9. The suggested Rule revisions will be filed with the proposed Rules after the 30 day comment period following the hearing has run. Many suggested revisions to Section 9 have been incorporated into the draft of Section 9 that is included with this Bulletin. We ask that you file this Section 9 in your entity's Risk Management Manual.

NDWC will continue to base each State entity's workers comp premium on that entity's individual loss

The issues that generated the most discussion during the meeting and hearing processes were:

Question 1: *Will my entity's experience rating be impacted by the establishment of this program?*

Answer: No. NDWC will continue to base each State entity's workers comp premium on that entity's individual loss history in the same manner as a State entity's tort loss history determines its contribution to the Risk Management Fund.

Question 2: *Will there be a change in the Designated Medical Provider (DMP) program?*

Answer: The DMP is still governed by workers comp statute. However, to facilitate claims management, Risk Management is recommending that a State entity select and develop a working relationship with one medical provider, preferably a provider with an occupational health program. Of course, employees still have the



option of selecting a provider different from the entity's provider but the employee must notify the state entity in writing of that choice prior to injury.

Note, as provided in statute, in cases where emergency treatment is necessary, the nearest medical provider should be used.

Question 3. *How are medical services provided if an employee is injured when traveling?*

Answer: In non-emergency situations, employees injured while traveling should be encouraged to seek medical care from local clinics, walk-in clinics, or after-hour clinics.

Question 4. *When do I need to send Risk Management an incident report for an injury to an employee?*

Answer: Any time there is an employee injury an incident report must be forwarded to Risk Management within 48 hours of the employer becoming aware of the injury. Note, if your entity has a method in place for tracking injuries, this requirement can be met by submitting monthly statistical reports to Risk Management. However, *all* suspected loss time claims must be

submitted to Risk Management within 48 hours of the employer becoming aware of the injury.

Question 5. *How does Family Medical Leave (FMLA) relate to workers compensation?*

Answer: To strike a fair balance between protecting employment interests and managing long term absences from the workplace, most experts agree the employee's 12 week FMLA leave entitlement should run concurrently with the workers compensation leave. Implementing this practice prevents employees from stacking FMLA leave with annual, sick, or donated leave.

Question 6. *If I qualified for the NDWC discount program last year, will I automatically qualify under the RMWCP?*

Answer: In order to qualify, you must apply by April 1 using the form providing on page 9.7-9 of Section 9 of the Risk Management Manual. The form contains the requirements of the discount program.

More in-depth discussion of these topics can be found in Section 9. Contact our office at (701) 328-6513 with any questions you may have.



Loss Control Tools

Snow & Ice Removal



This is the time of year to review, update, and communi-

cate your facility's policies and procedures on snow and ice removal to employees charged with those duties.

Awareness is a key to effective and safe snow and ice removal procedures at your facility. Every employee has the *duty* and is *encouraged* to report all unsafe areas that need to be cleared of snow and ice. Prompt reporting will promote safety and may prevent injuries or accidents from occurring.

Facilities responsible for their own snow and ice removal procedures should develop written policies and procedures customized for effective snow and ice removal on the facility's grounds.

Key personnel should be involved from preparation through implementation. They must know what they are to accomplish, and the appropriate equipment to use.

Training and loss control are important parts of planning and preparing for the winter season. The time for training is *before* the winter season.

Organizational procedures and jurisdictions should be reviewed prior to the first snow to ensure that everyone knows his/her responsibilities.

Veteran employees must be brought up-to-date on developments and reminded of safety and preventative maintenance responsibilities. New employees should be trained on how to operate the snow removal equipment. Such training should be documented and retained according to the facility's retention schedule.

Revisions to the Risk Management Manual

Remove

Insert



Table of Contents (2 pages)	Table of Contents, pages i through v
Page 2.5-1	Page 2.5-1
List of State Agency Risk Management Contacts following page 3.6-1 and list of Location Codes	List of State Agency Risk Management and Workers Comp Contacts following page 3.6-1 and list of Location Codes
Page 6.0-1	Page 6.0-1
Pages 6.2-1 through 6.2-5	Page 6.2-1
Section 9 Tab	Section 9 Tab
Section 9	Section 9

Remember conditions may be so unusual or unexpected that a departure from the facility's policies and procedures should be authorized. For that reason, it is important to include Risk Management's Policies and Procedures Disclosure/Disclaimer Statement as part of the policy. This will allow or authorize deviations or changes to the policy when necessary. The Disclosure Statement can be found on page 4.1-2 of the Risk Management Manual.

Winter Driving

We are all familiar with the phrase: "Don't Crowd The Plow." However, it seems like the driving public can never



hear this enough as the State experiences incidents and accidents every year resulting from vehicles running into plows.

Tips while plow trucks are working:

- v Stay back from an operating plow as it may have to stop and back up, or it may also be throwing sanding materials.
- v Know where the plow is on multi-lane roadways — the plow could be in either the lane or on the shoulder.
- v Be extremely cautious when passing a plow — they can be moved sideways when striking drifts and hard snow pack.
- v Never drive through "white-outs". Plows pull over and stop frequently to allow traffic to pass. Be patient and wait until visibility is clear.
- v Watch for plows on Interstate ramps and turning around on "authorized vehicle only" cross-overs.
- v Don't assume you'll have good traction because the road "looks" sanded — sand can sink into the snow pack, leaving a slick surface.
- v Slow down and drive according to the conditions. Most winter accidents are caused by driving too fast for conditions.

Are You Aware of These ND Laws?

1) Striking Snow Removal Equipment:

Any person who, by reason of careless driving, causes and inflicts injury to an operator of snow removal equipment or damage to snow removal equipment in excess of \$1,000 is guilty of an infraction. Maximum penalty is \$500 and 6 points.

2) Road Closure: Law enforcement may close a road temporarily due to hazardous conditions for the protection and safety of the public. No person may knowingly enter a road closure under these conditions.

Proactive Tools - Emergency and Disaster Preparedness

The tragic events of September 11, 2001 serve to remind us all that it is time to review the State's preparedness. Once a disaster or emergency happens, the time to prepare is gone. If we aren't prepared, all we are able to do is cope.

As you will remember, the 1999 Risk Management Seminar focused on developing contingency plans for State entities to address Y2K, man-made, and natural disasters. As was pointed out by the Seminar's Keynote Speaker Aden Hogan, Jr. - it can happen to you; someone must be in charge; your plan must be in place and tested well before the disaster occurs.

Mr. Hogan was instrumental in the recovery process following the bombing of the Murrah Federal Building in Oklahoma City, Oklahoma.

During that Seminar, State entities were provided information on how to plan, prepare, and test contingency plans. In addition Section 4.5 of the *Risk Management Manual* contains steps for establishing fire emergency, natural disaster/severe weather, and man-made disaster procedures. Section 4.6 further addresses contingency and disaster planning.

This is an opportune time for all State entities to review their current

emergency and disaster preparedness procedures to make sure they are up-to-date and meet the current business requirements of the entity.

* Consideration should be given to incorporating entity websites into the contingency planning process. Websites can serve as valuable tools to communicate

important information to employees and customers until normal business practices can be restored.

* Are your employees personnel records up-to-date with regard to addresses and telephone numbers in

the event it is necessary to contact them during an emergency?

In addition to being a prudent business practice, completing the process is one of the requirements to affirmatively answering question 5 of the application form for your entity's discount for its Risk Management Fund contribution.

If you would like some additional information to complete this process, contact the Risk Management loss control program at 328-6512.

***It CAN happen to you;
Someone MUST be in charge;
Your plan must be in place and tested well BEFORE the disaster occurs.***

Remember — Applications for the Risk Management Fund and Workers Compensation Program discounts are due April 1, 2002. Use your December and March Loss Committee meetings to review requirements and ensure compliance with the requirements to attain the maximum 10% DISCOUNT for each program.

Risk Management Division

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Holiday Parties

'Tis the season but, due to liability exposures, it is strongly recommended that a State entity not provide alcoholic beverages at State sponsored events, even if the alcoholic beverages are purchased with funds collected from employees - including purchases made with office coffee funds.

It is further recommended that, if the function is held at a commercial establishment with a bar, the State entity not contract that a cash bar be provided as a part of the function. Under those circumstances, alcoholic beverages would be available for purchase by attendees at the establishment's bar but there could not be a contention that alcohol was provided by the State entity host.

Risk Management Division Website Features

Visit our website at www.state.nd.us/risk/ for standard and updated features including:

- ♦ Personnel e-mail and telephone directory
- ♦ Risk Management Manual
- ♦ Reporting Forms (following page 3.5-1 of the Manual)
 - * Incident Report (SFN 50508)
 - * Notice of Claim (SFN 50552)
 - * Motor Vehicle Accident Report (SFN 51301)
 - * Destruction Hold Notice (SFN 52376)
- ♦ Facility Audit and Inspection Checklists (Page 4.3-1)
- ♦ Emergency and Disaster Procedures (Pages 4.5-1 through 4.6-5)
- ♦ Facility Use Agreement Form (Page 5.2-2)
- ♦ Waiver Forms (Pages 5.2-3 & 4)
- ♦ Risk Management Bulletins
- ♦ Risk Management Fund Discount Application form (Page 2.6-3)
- ♦ RMWCP Discount Application Form (Page 9.7-10)